

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,  
Plaintiff

v.

[2] JOSE A. IRIZARRY-TORRES ,  
Defendant.

Criminal No. 08-175 (ADC)

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Before the Court is an unopposed Report and Recommendation issued by Justo Arenas, Chief U.S. Magistrate Judge on November 6, 2008. (**Docket No. 373**). In said Report and Recommendation the Chief Magistrate-Judge recommends that: defendant **José A. Irizarry-Torres** be adjudged guilty of the offenses charged in Count One (21 U.S.C. §§ 846, 841(a)(1) and 860) inasmuch as, his plea of guilty was intelligently, knowingly and voluntarily entered.

Neither party has filed objections to the Chief Magistrate-Judge's Report and Recommendation within the time frame provided by the Federal Rules of Criminal Procedure and this Court's Local Rules. See Fed. R. Crim. P. 11; 28 U.S.C. § 636(b)(1)(B); D.P.R. Local Crim. R. 147(b).

After reviewing the record, the Court agrees with the arguments, factual and legal conclusions within the Report and Recommendation. Therefore, the Court hereby **APPROVES** and **ADOPTS** the Chief Magistrate-Judge's Report and Recommendation in its entirety.

Accordingly, a judgment of conviction is to be entered as to Count One of the indictment in the above-captioned case.

**The sentencing hearing is set for March 3, 2009 at 10:30 a.m.**

**IT IS SO ORDERED.**

At San Juan, Puerto Rico, this 21<sup>st</sup> day of November, 2008.

**S/AIDA M. DELGADO-COLON**  
**United States District Judge**